

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-NINTH LEGISLATURE

EIGHTY-FIRST LEGISLATIVE DAY
THURSDAY, MARCH 29, 2007

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senator Coiner, absent and formally excused by the Chair; and Senators Burkett, Gannon, and Pearce, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Sibylle Gorla, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

President Risch assumed the Chair.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 28, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 28, 2007

The JUDICIARY AND RULES Committee reports that **S 1243** has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1243**, and ordered it transmitted to the House for the signature of the Speaker.

March 28, 2007

The JUDICIARY AND RULES Committee reports that Enrolled **S 1234, S 1235, S 1236, S 1237, S 1238**, and **S 1242** were delivered to the Office of the Governor at 4:20 p.m., March 28, 2007.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 28, 2007

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 121** was delivered to the Office of the Secretary of State at 4:02 p.m., March 28, 2007.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 28, 2007

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 210**, as amended, as amended, with the recommendation that it do pass.

HILL, Chairman

H 210, as amended, as amended, was filed for second reading

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1245 **BY FINANCE COMMITTEE** AN ACT

RELATING TO HIGHWAY TRANSPORTATION PROJECTS; APPROVING BONDING AUTHORITY TO FINANCE CERTAIN HIGHWAY TRANSPORTATION PROJECTS; PROVIDING A LIST OF HIGHWAY TRANSPORTATION PROJECTS TO BE FINANCED WITH BOND PROCEEDS; LIMITING THE SCOPE OF TRANSPORTATION PROJECTS; PROVIDING A REQUIREMENT REGARDING A GARVEE PROGRAM MANAGEMENT SERVICES AGREEMENT; PROVIDING FOR ISSUANCE OF GARVEE BONDS; PROVIDING LEGISLATIVE INTENT AS TO THE TRANSPORTATION BOARD'S PRIORITY USE OF BOND REVENUE; PROVIDING LEGISLATIVE INTENT REGARDING WORK PERFORMED BY THE IDAHO TRANSPORTATION DEPARTMENT; PROVIDING LEGISLATIVE INTENT AUTHORIZING THE STATE TRANSPORTATION BOARD TO ADJUST ALLOCATION OF BOND PROCEEDS; AUTHORIZING A TRANSFER OF FUNDS FOR DEBT SERVICE; PROVIDING A DATE FOR SUBMISSION OF A REPORT TO THE LEGISLATURE; AND PROVIDING THAT BONDS AUTHORIZED BE ISSUED NO LATER THAN JUNE 30, 2008.

S 1245 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 29, 2007

The JUDICIARY AND RULES Committee reports that **S 1245** has been correctly printed.

DARRINGTON, Chairman

S 1245 was referred to the Finance Committee.

March 28, 2007

The FINANCE Committee reports out **S 1245** with the recommendation that it do pass.

CAMERON, Chairman

S 1245 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senators Burkett, Gannon, and Pearce were recorded present at this order of business.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 210** as amended, as amended, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

H 210, as amended, as amended, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Corder, Darrington, Davis, Douglas (Werk), Fulcher, Gannon, Geddes, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett. Total - 32.

NAYS--McKague. Total - 1.

Absent and excused--Coiner, Goedde. Total - 2.

Total - 35.

Whereupon the President declared **H 210**, as amended, as amended, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1245** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

S 1245 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Bastian arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Corder disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Bastian, Bilyeu, Davis, Douglas (Werk), Fulcher, Geddes, Heinrich, Little, Lodge, McGee, McKague, McKenzie. Total - 12.

NAYS--Andreason, Bair, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Gannon, Goedde, Hammond, Hill, Jorgenson, Kelly, Keough, Langhorst, Malepeai, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett. Total - 23.

Paired and voting included in roll call:

AYE - Bilyeu NAY - Coiner

Total - 35.

Whereupon the President declared that **S 1245** had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:54 p.m. until the hour of 2 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 2 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senator Coiner, absent and formally excused by the Chair; and Senator Burkett, absent and excused.

Prior to recess the Senate was at the Twelfth Order of Business, Second Reading of Bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 222 was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes and Senator Stennett arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Corder, Darrington, Davis, Douglas (Werk), Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett. Total - 33.

NAYS--None.

Absent and excused--Burkett, Coiner. Total - 2.

Total - 35.

Whereupon the President declared **H 222** passed, title was approved, and the bill ordered returned to the House.

Senator Burkett was recorded present at this order of business.

S 1225 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Corder, Darrington, Davis, Douglas (Werk), Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett. Total - 34.

NAYS--None.

Absent and excused--Coiner. Total - 1.

Total - 35.

Whereupon the President declared **S 1225** passed, title was approved, and the bill ordered transmitted to the House.

S 1228 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Corder, Darrington, Davis, Douglas (Werk), Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill,

Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett. Total - 34.

NAYS--None.

Absent and excused--Coiner. Total - 1.

Total - 35.

Whereupon the President declared **S 1228** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

March 29, 2007

Mr. President:

I transmit herewith **H 335** and **H 334** which have passed the House.

JUKER, Chief Clerk

H 335 and **H 334** were filed for first reading.

March 29, 2007

Mr. President:

I transmit herewith **H 330** which has passed the House.

JUKER, Chief Clerk

H 330 was filed for first reading.

March 29, 2007

Mr. President:

I transmit herewith Enrolled **H 121**, with a Certificate of Passage over the veto of the Governor, for the signature of the President.

The Secretary read the following Certificate of Passage:

**CERTIFICATE OF PASSAGE
of H 121**

House of Representatives and Senate
NOTWITHSTANDING THE OBJECTIONS OF THE
GOVERNOR

House Bill 121, having been vetoed by the Governor of Idaho pursuant to Article 4, Section 10, of the *Idaho Constitution* on March 22, 2007, was returned to the House of Representatives on March 22, 2007, for reconsideration. Upon reconsideration on March 28, 2007, by a vote of 48 to 22, over two-thirds of the members present approved the bill, notwithstanding the objections of the Governor. Said vote was entered on the Journal of the House.

On March 28, 2007, **H 121**, having been reconsidered and approved by over two-thirds of the members of the House of Representatives, was reconsidered by the Senate. Upon reconsideration, by a vote of 29 to 6, over two-thirds of the members present in the Senate approved the bill, notwithstanding the objections of the Governor. Said vote was entered on the Journal of the Senate.

In accordance with Article 4, Section 10, of the *Idaho Constitution*, **H 121** shall become law on July 1, 2007, notwithstanding the objections of the Governor.

/s/ LAWRENCE DENNEY
Speaker of the House

/s/ JAMES E. RISCH
President of the Senate

ATTEST: /s/ Pamela L. Juker
Chief Clerk

March 29, 2007

Mr. President:

I return herewith Enrolled **S 1123**, as amended, as amended in the House, and **S 1243**, which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1123**, as amended, as amended in the House, and **S 1243** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

H 335, **H 334**, and **H 330**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6:05 p.m. until the hour of 9:30 a.m., Friday, March 30, 2007.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary